

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ji et al.

Attorney Docket No.: PF342

Application No.: 09/017,715

Confirmation No.: 8739

Filed: February 3, 1998

Art Unit: 1642

Title: Breast Cancer Specific Gene 1

Examiner: K. Canella

DECLARATION OF DR. HONGJUN JI AND DR. CRAIG A. ROSEN
UNDER 37 C.F.R. § 1.132

Sir:

We, Hongjun Ji and Craig A. Rosen, hereby declare and state as follows:

1. We are co-inventors of the subject matter described and claimed in the above-captioned U.S. Patent application (Exhibit A).

2. We are informed that the Examiner of the above-captioned application has rejected the claims based on the subject matter disclosed in U.S. Patent No. 6,054,289 (hereinafter the "'289 patent"; Exhibit B). We also understand that the rejected claims are those provided herewith as Exhibit C and are directed to Breast Cancer Specific Gene 1 (hereinafter "BCSG1"). We hereby state that we are the sole inventors of the subject matter relating to BCSG1 and the claims provided in Exhibit C.

3. We are co-inventors, along with Paul A. Moore, Reiner L. Gentz, Jian Ni, and Jing-Shan Hu, of the subject matter disclosed in the '289 patent. Although Drs. Moore, Gentz, Ni, and Hu, contributed to the disclosure relating to other genes disclosed in the '289 patent, Drs. Moore, Gentz, Ni, and Hu did not contribute to the disclosure of the '289 patent relating to HBGBA67X. We hereby state that we are the sole inventors of the '289 patent disclosure relating to HBGBA67X.

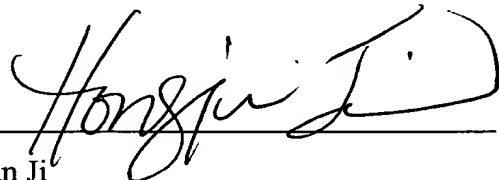
4. Additionally, we hereby state that BCSG1 sequences disclosed in the above-captioned application and those disclosed as HBGBA67X in the '289 patent correspond to the

same gene and that we are the sole inventors of these disclosures in both the above-captioned application and the '289 patent.

5. We declare further that all statements made in this Declaration of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

3/10/05



Hongjun Ji

Date: _____

Craig A. Rosen